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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

CRISTOBAL AGUIRRE, JR.,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. L-08-118
	§	
DIRECTOR TDCJ/CID NATHANIEL A.	§	
QUARTERMAN,	§	
	§	
Respondent.	§	

MEMORANDUM AND ORDER

Pending is Cristobal Aguirre, Jr.'s petition for writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Diana Saldaña filed a Report and Recommendation on March 11, 2009, recommending that the petition be dismissed for failure to exhaust state remedies prior to proceeding in federal court. (Dkt. No. 3.) After the Report was served on Aguirre on March 17, 2009 (Dkt. No. 5), he filed an objection that appears to admit failure to exhaust and prays for dismissal without prejudice. (Dkt. No. 6.)

Having reviewed the report for clear error<sup>1</sup> and the "objection," this Court concludes that the Report and

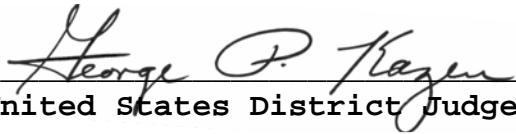
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<sup>1</sup> "The advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglass v. United Serv. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)).

Recommendation should be and is ACCEPTED. The petition shall be dismissed without prejudice.

Also pending is a motion by Petitioner to suspend copying rules. (Dkt. No. 7.) This motion is DENIED as moot.

DONE at Laredo, Texas, this 9th day of April, 2009.

  
United States District Judge